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EXAMINER

FISCHER, JUSTIN R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Continuation of 11: Applicant argues that none of Ueda, Scriver, Imamura, Inui, or Segatta teach or suggest the claimed ratio between the synthetic natural rubber and the total rubber loading. Additionally, applicant argues that the claimed ratio provides unexpected results and such is supported by Table 1.

First, regarding Ueda, the reference teaches the use of natural rubber and/or synthetic rubber at a loading between 5 and 60 phr. Given such a general disclosure, one of ordinary skill in the art at the time of the invention would have readily appreciated a wide variety of compositions, including those in which a higher loading of natural rubber is used (as compared to the synthetic rubber). Second, while applicant alleges a showing of unexpected results, Table 1 does not include comparative compositions in which both natural rubber and cis 1,4 polyisoprene are included and the amount of polyisoprene is below 5% or greater than 60%, as compared to the total rubber loading.

As to Segatta, the reference teaches a rubber composition including natural rubber (epoxidized natural rubber) and an additional diene based rubber, such as cis 1,4 polyisoprene. In this instance, the reference describes a preferred embodiment in which the additional diene rubber (cis 1,4 polyisoprene) is included at a loading between 50 and 85 phr (Column 4, Lines 10+). This suggests a preferred range for the natural rubber (ENR) between 15 and 50 phr. Using these values, the reference expressly teaches a claimed ratio of 50% (using endpoints).

Lastly, applicant argues that the range of 90% or more disclosed by Ueda does not disclose the claimed range with sufficient specificity to anticipate the claimed range. The examiner respectfully disagrees. In particular, the disclosed range between 90%

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and 100% is not seen to constitute a "broad range" in the sense that the range between 100 and 500 was seen to represent such in *Atofina v Great Lakes Chem Corp.* Thus, in this instance, the narrow range is seen to be disclosed with sufficient specificity. It is emphasized that the disclosed ranges are extremely small and define an extremely limited number of possible compositions.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791